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State of South-South cooperation

Report of the Secretary-General

Summary

The present report is submitted pursuant to General Assembly resolutions 52/205 of 18 December 1997 and 50/119 of 20 December 1995. It provides a general review of the recent developments and trends in South-South cooperation, with particular emphasis on trade, investment and finance. It also examines the extent to which support by the multilateral system has contributed to such cooperation. Special focus is placed on building broad-based partnerships, enhancing collective capacities, knowledge networking and integrating the modalities of technical and economic cooperation among developing countries into the operational activities of the United Nations development system. The report underscores the importance of South-South cooperation in a globalization era and offers some suggestions for improving such cooperation.

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I. Introduction

1. In its resolution 50/119 of 20 December 1995, entitled Economic and technical cooperation among developing countries and a United Nations conference on South-South cooperation, the General Assembly requested the Secretary-General to present to it on a biennial basis a report entitled "State of South-South" cooperation. The first such report was submitted to the Assembly at its fifty-second session, in 1997 (A/52/402). The Assembly, in its resolution 52/205 of 18 December 1997, took note of the report and decided to include in the provisional agenda of its fifty-fourth session the sub-item entitled "Economic and technical cooperation among developing countries" and requested the Secretary-General to report on the implementation of the resolution.

2. Furthermore, in its resolution 52/205, the General Assembly requested the Secretary-General to incorporate into his report on the triennial policy review of operational activities for development, for consideration at its fifty-third session, an assessment and recommendations aimed at further strengthening the integration of the modalities of economic and technical cooperation among developing countries into the operational activities of the United Nations system. It also decided to hold a one-day commemorative meeting at the beginning of the fifty-third session of the Assembly to mark the occasion of the twentieth anniversary of the adoption of the Buenos Aires Plan of Action for Promoting and Implementing Technical Cooperation among Developing Countries. It further invited the United Nations development system to formulate measures to help implement the San José Declaration and Plan of Action for South-South cooperation, and intensify its efforts in support of technical and economic cooperation among developing countries.

3. The present report has been prepared in response to both resolutions. The report reviews recent developments and trends in South-South cooperation, with particular attention to regional and subregional cooperation, trade, investment and finance, industry, technology and enterprise development. Multilateral system support to South-South cooperation is also examined to the extent that it has contributed to broadening global partnerships and enhancing collective capacities and knowledge networking throughout the South for such cooperation. Progress made in respect of integrating the modalities of technical and economic cooperation among developing countries into the operational activities of the United Nations development system is also addressed briefly. The report underscores the importance of South-South cooperation in a globalization era and offers some suggestions for further improving such cooperation.

4. Several studies carried out recently by a number of multilateral and intergovernmental organizations and institutions, especially the United Nations Development Programme (UNDP), the United Nations Conference on Trade and Development (UNCTAD), the United Nations Industrial Development Organization (UNIDO), the World Bank, the International Monetary Fund (IMF) and the South Centre, have been beneficial in the preparation of the present report. Reports on the subject submitted by other United Nations organizations and agencies, including the regional commissions, in connection with the eleventh session of the High-level Committee on the Review of Technical Cooperation among Developing Countries, held in New York from 1 to 4 June 1999 (TCDC/11/1 and Corr.1 and TCDC/11/2), have also been drawn upon extensively. The report of the High-level Committee has also been submitted for the consideration of the General Assembly (DP/1999/L.12).

II. Recent developments and trends in South-South cooperation

A. Overview

5. South-South cooperation is a broad concept. It is often perceived, in operational terms, as having two dimensions — economic cooperation and technical cooperation among developing countries. Generally economic cooperation refers to intra-South cooperation in trade, investment and finance. The term is also used to cover collaboration in other economic sectors, such as industry, technology and communication. Technical cooperation, on the other hand, refers to the building, pooling and sharing of capacities — human, institutional, technical and financial — to further enhance an enabling environment for socio-economic progress in developing countries. It can be said that both forms of cooperation are mutually reinforcing — technical cooperation helps create the necessary conditions for economic cooperation and economic cooperation provides the framework for technical cooperation.

6. This section of the report attempts to provide a general review of recent developments and trends in South-South cooperation, with particular reference to trade, investment and finance.

7. The new economic environment is marked by globalization and the integration of the world market fuelled by liberalization and technological advancement. Unprecedentedly rapid international mobility of virtually all

factors of production, except labour, is taking place. However, the steady expansion of exports and the phenomenal growth of capital flows mask enormous disparities in experiences across countries and regions. According to the UNDP Human Development Report 1999, the rapid but uneven global integration process cuts across levels of income and human development. According to the UNCTAD World Investment Report 1998 the world's total foreign direct investment in 1997 soared to $400 billion, but only 37 per cent went to developing countries and 5 per cent went to the transition economies. The top fifth of the world's people in the industrial countries enjoy 82 per cent of the expanding export trade and 68 per cent of foreign direct investment, while the bottom fifth, mainly in developing countries, share barely more than 1 per cent. The richest one fifth of the world's population control over 86 per cent of world product and account for 93.6 per cent of Internet use. More than a quarter of the 4.5 billion people in developing countries still do not have some of life's basic choices. Nearly 1.3 billion people do not have access to clean water and live on incomes of less than $1 a day.

8. To deal with the challenges of globalization, many developing countries have embarked on bold economic reforms, liberalized trade, eliminated or reduced price controls, cut down State interventions and brought inflation under control. Those efforts are leading to a convergence of economic policies in most developing countries both within and across regions, broadening the prospects for closer and deeper economic and technical cooperation among them. Increased differentiation and sophistication among developing countries in terms of levels of development and technical capacities have also opened up new opportunities for closer cooperation.

9. In this context, South-South cooperation is premised on the need for developing countries to strengthen both collective and individual capacities in order to deal with the multifaceted challenges and opportunities offered by globalization. South-South cooperation is, therefore, increasingly pursued by developing countries as both a policy and a practical strategy for sustainable economic growth through trade expansion, investment diversification, industrial complementation and technology transfer. The goal is to ensure effective participation by all countries in a rapidly integrating world economy and to shield economically disadvantaged members from further marginalization.

10. South-South cooperation has gained new momentum in recent years, especially at the regional and subregional levels. Developing countries are increasingly seeking to exploit special links derived from shared resources, spatial proximity and cultural and economic convergence, as well as improved transport and communication links. Regional and subregional cooperation arrangements, according to the World Bank, have increased from 39 in the decade of the 1970s to 82 in the first seven years of the 1990s. New cooperation arrangements, such as the Johore-Singapore-Riau growth triangle and the Bangladesh-India-Myanmar-Sri Lanka-Thailand Economic Cooperation have been formed. Pre-existing regional and subregional cooperation arrangements have also experienced an upsurge in activity. Mercosur, for example, is becoming a vibrant common market of the South in Latin America. The Association of Southeast Asian Nations has stepped up its efforts to create a free-trade area. The South Asian Association for Regional Cooperation has also decided to speed up the process of becoming a free-trade subregion, based on a preferential trade agreement launched in 1995. The Latin American Free Trade Association is being revitalized into a Latin American integration association. Negotiations to revive the East African Community are at an advanced stage.

11. These developments have, in many ways, contributed to increased South-South cooperation in trade, investment and finance, and provided new scope for cooperation in other areas such as industry, technology and enterprise development. Intra-South trade has grown significantly, accounting for 42 per cent of developing countries' total exports in 1997 as against 32 per cent in 1990. South-South investment and financial flows have also increased, especially in the Asian and Latin American regions. South-South cooperation in industry, technology and enterprise development is also on the rise, mainly through the building and strengthening of regional and subregional transport and communication links.

12. Despite the progress described above, the historical commitment to traditional North-South linkages in trade, aid and finance as well as established institutional infrastructures for North-South cooperation still hold back the potential of South-South cooperation. Above all, the lack of adequate funding for South-South cooperation remains a formidable challenge.

B. Recent trends in South-South cooperation

Trade

13. The growth of trade in developing countries has registered a declining trend in recent years. In 1998, for the first time in the current decade, it is lower than the growth rate of world trade. This is due largely to the deteriorating terms of trade and the contagion effect of the Asian financial

crisis. The drop in oil prices in 1998 made the situation even worse. Yet the point to note, as shown in table 1, is that world trade is growing faster than world output and the trend in the 1990s is relatively better performance by the developing countries. Even more significantly, as illustrated in table 2, South-South trade is witnessing growth, such that 42 per cent of the exports of Southern countries are with other Southern countries.

14. Regional and subregional economic arrangements have played a prominent role in stimulating the growth of South-South trade. Indonesia, Malaysia, the Philippines, the Republic of Korea and Thailand have become formidable players in South-South trade. Between 25 and 45 per cent of their exports go to partner countries in the region, and between 17 and 35 per cent of their imports originate from the same partners. In 1996, about 52 per cent of Asia's total merchandise exports were sold within the region, while 54 per cent of total imports were from the region.[1] In Mercosur, trade among member States in the 1990s grew at the annual rate of 19.4 per cent, while total trade grew at the rate of 9.7 per cent. Trade within Mercosur went up from 11 per cent of total trade of the region in 1991 to 25 per cent in 1998.[2] Interregional trade among countries of the South is also growing. Latin America exports about 16 per cent of its agricultural products and 13 per cent of its mining products to Asia. About 20 per cent of Africa's agricultural products are sold in Asia, in addition to 13 per cent of the region's mining products. More significantly, the Middle East exports about 57 per cent of its mining products to Asia.[3] This was not the case in Africa, however, for a variety of reasons, including limited growth in output, adverse terms of trade, weakness in transport and communication links and a heavy debt burden.

Table 1
World output and trade (percentage change over previous year)

	1980s	*1994*	*1995*	*1996*	*1997*	*1998*
World output	2.8	2.9	2.5	3.2	3.3	2.5
Developing countries	2.4	5.6	4.6	5.7	5.8	3.5
Africa	1.9	2.0	2.7	4.5	3.0	3.8
Asia	7.2	8.6	8.2	7.5	6.5	3.8
East Asia	7.1	7.6	7.6	6.6	5.5	1.0
China	9.1	12.6	10.5	9.7	8.8	8.0
South Asia	5.3	5.2	6.2	6.0	5.1	5.3
West Asia	-2.2	-0.9	4.1	4.8	5.9	4.0
Latin America and the Caribbean	1.0	5.5	-0.1	3.7	5.4	2.8
World trade	4.5	10.5	8.6	5.5	8.9	7.0
Developing countries	-	14.7	12.4	10.4	10.7	3.8

Source: United Nations, *International Trade Statistics Yearbook* and World Economic and Social Survey 1998.

Table 2
Export volume (billions of United States dollars and percentage)

	1990	*1994*	*1995*	*1996*	*1997*	*1998**
World exports	3 437	4 225	5 074	5 300	5 506	5 290
Developing country exports	805	1 185	1 476	1 553	1 670	1 556
As share of world exports	23.4%	28.0%	29.1%	29.3%	30.3%	29.4%
Trade among developing countries	276	482	605	644	700	
As share of their total exports	34.3%	40.7%	41.0%	41.5%	41.9%	

Source: United Nations, *International Trade Statistics Yearbook* and World Economic and Social Survey 1998.

* The figures for 1998 have been interpolated from IMF, International Financial Statistics, August 1999.

15. In addition to these developments, the technological achievements in Asia and Latin America signal a small but significant departure from the traditional international division of labour between the North and the South. Rather than simply producing and exporting primary commodities, the South is increasing its exports of manufactured goods. This trend holds promise for accelerated development as a larger number of countries in the South become major producers and exporters of manufactured goods.

16. The gains in trade described above are still modest when compared to the trade flows among developed countries and the overall share of developing countries in world trade. In this context, South-South cooperation in trade needs to strive for the creation of an equitable international environment by considering the following issues: (a) concerted action on trade arrangements to take advantage of the flexibility granted to the developing countries in the World Trade Organization (WTO) arrangements; (b) coordination of policy and approaches for dealing with the global trade regime, particularly in respect of the review of the WTO agenda, consideration of new issues and the millennial round of negotiations; (c) continuation and strengthening of the global system of trade preferences among developing countries; and (d) the strengthening of regional economic groupings for the promotion of intraregional and ultimately global free trade.

17. Trade financing is a matter of serious concern to many developing countries since debt reduces the capacity of the countries of the South to expand production and trade. Clearing-house arrangements basically address liquidity problems but, for many developing countries, the problem tends to be one of paucity of real resources. For this reason such arrangements have not been as helpful as they were expected to be. The Bangkok agreement on clearing-house arrangements, for example, has been relatively dormant in the recent past. Revision of IMF quotas by 36 per cent (from 392.5 billion special drawing rights (SDR) to SDR 533.3 billion) and finally allocation of SDR 67.99 billion will provide additional liquidity, but it will not ease the situation much. A situation such as the Asian crisis will always require special bailout packages. For most developing countries, particularly the low-income ones, the critical problem is to eliminate the debt burden. It is therefore important that recent steps regarding reduction of the debt overhang are implemented speedily and extended to more countries.

Investment and financing

18. In order to benefit from the current global economic expansion, developing countries have sought to expand domestic savings and attract foreign investment. A number of developing countries are taking advantage of the rising volume of global financial resources, but a much larger number are being bypassed by foreign investment. It is important to recognize in this context that South-South cooperation is instrumental in attracting foreign investment. Through regional integration and other collaborative initiatives, countries are setting up larger markets and developing the infrastructure and institutional framework and thus attracting national and foreign investors.

19. There has been a significant change in the distribution of foreign direct investment stock in the world in the wake of globalization. In 1990 total foreign direct investment stock was $1,736 billion, of which only $358 billion, or 20 per cent, was in developing countries. The position in 1997 was $1,044 billion in developing countries of a world total of $3,455 billion. Table 3 shows the inflow and outflow of foreign direct investment for selected years. The two features

worth noting are the essentially stagnant flow of foreign direct investment to Africa and the large volume of outflow from East, South-East and South Asia. The phenomenon of outflow indicates the investment of a few Southern enterprises in foreign affiliates. Investment cooperation is certainly flourishing in a number of developing countries, with the initiatives of national firms of the South taking on a transnational character.

20. A study conducted by the South Centre provides some estimates of South-South foreign direct investment for some early years of the 1990s showing Chile, China, Indonesia, Malaysia, Paraguay, Sri Lanka and Uruguay as major recipients of investment from developing countries.[4] Evidently the transnational firms of developing countries are increasingly investing in other countries, but there are no separate estimates on how much of it is flowing to the South. A general idea of investment flows from the South can be made from some UNCTAD compilations on foreign direct investment. In 1996, 100 top transnational companies had foreign assets of $1,800 billion, and only two among them were from the South, with combined assets of $22 billion. A list of the top 50 transnational corporations from the South shows their command over foreign assets at $146 billion. Foreign direct investment to Asian countries suffered a setback in 1998, but overall flows of foreign direct investment to other countries in the South have not been seriously affected by the Asian crisis.

21. Regional groupings, which have policy instruments and other mechanisms to foster collaboration in trade and investment, have helped boost South-South cooperation in those areas. The Mercosur experience demonstrates that Argentina and Brazil have been expanding investments in other countries of the region in diverse sectors, such as telecommunications, food industries, petrochemicals, machinery and small equipment manufacturing. Again, as integration schemes are worked out it is essential for the private sector and international development finance institutions to be involved from the beginning. The Mekong regional development plan, for example, is a case for closer coordination between the Asian Development Bank and the Mekong River Commission.

22. The establishment of common markets, regional integration and the formation of subregional groupings are effective ways of addressing the constraint of market size. In addition, a viable industrial infrastructure requires a reliable and efficient energy supply, dependable transport and communication links, propitious banking facilities and healthy and skilled manpower. These requirements cannot be met overnight, but sometimes imbalances engender creative action. For example, lack of easy travel and transit facilities may force rapid development of transport and communication infrastructure.

23. Current efforts to improve financial intermediation in developing countries can greatly help investment growth. Some developing countries, such as the Republic of Korea, are sharing experiences in this area with other developing countries. A noteworthy opportunity to foster South-South cooperation in this respect is the recent Asia-Africa workshop, sponsored by the Office of the Special Coordinator for Africa and the Least Developed Countries of the Department of Economic and Social Affairs and the UNDP Special Unit for technical cooperation among developing countries on financial intermediation in Africa held in 1998 in Mauritius. The workshop provided opportunities for African participants to exchange experience with Asians and to adopt a plan of action.

24. Efforts are being made to enable small and medium enterprises to enter into subcontracts for the global market through such mechanisms as geographical or sectoral clustering of enterprises or subcontracting and partnership exchange programmes. The Bangalore software industry in India and the Nnewi cluster of small and medium enterprises producing automotive parts in Nigeria illustrate the promotion of production and trade through clustering. In 30 countries 45 subcontracting and partnership exchanges have been set up with the assistance of UNIDO, but they are now functioning independently.

25. Cooperation in industry, technology transfer and enterprise development is perhaps one of the weakest aspects of South-South cooperation. This is due largely to limited involvement of the private sector in schemes of South-South cooperation. In the past, technical cooperation among developing countries programming exercises resulted in only a few cooperative initiatives on enterprise and technology development in the private sector. The situation is changing with the current acceleration in regional cooperation, trade liberalization, investment cooperation, technology adaptation and the greater role of private initiative. Inter-firm technology agreements are increasing; in 1996 there were about 40 a year, up from 10 in the 1980s. UNCTAD and UNIDO have formed a strategic alliance for investment promotion and enterprise development in developing countries with a view to promoting joint South-South trade and investment agreements. The success of the compact essentially depends on mobilizing investment once technical feasibility and project designs are worked out. It is essential that the private sector be involved from the very beginning and that strategic alliances are forged with financial institutions.

Table 3
Annual inflow and outflow of foreign direct investment (billions of United States dollars)

	1986-1991	*1994*	*1995*	*1996*	*1997*
Inflow					
World	159	242	331	338	400
Developing countries	29	96	106	129	149
Africa	2.9	5.7	5.1	4.8	4.7
West Africa	1.3	1.5	-0.7	0.3	1.8
East, South-East and South Asia	15.1	58.3	66.6	77.6	82.4
Commonwealth of Independent States	0.66	5.9	14.2	12.3	18.4
Latin America and Caribbean	9.4	28.7	31.9	43.7	56.1
Outflow					
World	181	284	352	334	423
Developing countries	11.3	42.5	45.6	49.2	61.1
Africa	1.0	0.658	0.591	0.297	1.1
West Asia	0.660	1.1	0.825	-0.871	0.505
East, South-East and South Asia	8.3	35.6	41.8	47.4	50.1
Commonwealth of Independent States	0.25	0.268	0.408	0.993	3.3
Latin America and Caribbean	1.3	5.2	2.3	2.3	9.0

Source: UNCTAD, World Investment Report 1998.

26. It is increasingly realized that the expansion of transport and communication links must be substantially improved to reap the benefits of globalization. That an integrated transport network and good communication links can bring about benefits in terms of trade and investment is being demonstrated by rapid growth in transit trade and electronic commerce. The renewed interest in regional communication links and highways in South and South-East Asia and reference to cooperation in transport and communication in the Bali Plan of Action symbolize the importance that the issue is receiving. It is widely recognized that in order to benefit from the information revolution the development of communication infrastructure in developing countries is, indeed, a matter of the highest priority.

27. A number of countries, such as Bangladesh, Malaysia and Pakistan, have a specific foreign direct investment regime in which they offer special concessions; many others have bilateral agreements with home countries of transnational companies. Many others are developing bilateral investment treaties among themselves under the auspices of the Group of 15 and UNCTAD. In addition, the World Association of Investment Promotion Agencies is partly supported by UNCTAD. At its second annual meeting, held in 1997 in Geneva with 80 participating countries, the Association dealt with the harmonization of foreign direct investment regimes and considered preparing a best practices manual. The World Trade Organization (WTO) is also looking at standardization of investment and competition policies. However, it is widely recognized that the most important factor in attracting investment is the quality of public administration and the prevention of corruption in public service.

28. Intra-South investment is still impeded by the heavy indebtedness of many developing countries. Indeed, the debt burden has become a formidable obstacle to saving, investment and trade growth, constraining a nation's overall economic and human development. Many Initiatives on debt relief have been tried over at least two decades with little success. The latest effort is the Heavily Indebted Poor Countries Debt Initiative, launched first in 1996 and re-examined last July. This encouraging Initiative seeks debt reduction and is likely to provide relief to 37 countries. However, the complexity and time-consuming nature of the Initiative, the severe conditionality and the neglect of ongoing financing needs persist. It also excludes a few additional deserving countries, whose total debt is very small

in the context of global capital flows. How to improve the economy of a debt-ridden country expeditiously remains the crux of the problem. Some bold initiatives are warranted, and to this end the proposal for outright cancellation of debt deserves serious consideration. Although debt relief puts a burden on developed countries, it must be appreciated that the prompt resolution of the problem is an imperative for the inclusion of many countries in the globalization process and its sustainability.

III. Multilateral support to South-South cooperation

29. Developing countries have the ultimate responsibility for South-South cooperation. But the multilateral system has a role to play in sustaining global economic expansion. At the commemorative meeting of the twentieth anniversary of the Buenos Aires Plan of Action, held on 7 October 1998 in accordance with General Assembly resolution 52/205, Member States reaffirmed the continuing relevance of the Plan of Action and called for renewed commitment and action by the international community in support of South-South cooperation. (The proceedings and main deliberations of the meeting are contained in document A/53/PV.31 and in a publication of the Special Unit for Technical Cooperation among Developing Countries entitled "Buenos Aires Plan of Action: Twentieth Anniversary Commemoration".)

30. This section reviews the role and performance of the United Nations development system in support of South-South cooperation in the past two years. Emphasis has been given to efforts aimed at strengthening broad-based partnerships, enhancing collective capacities, connecting the South and effecting integration of technical and economic cooperation among developing countries in the operational activities for development of the United Nations development system.

A. Strengthening broad-based partnerships for South-South cooperation

31. Building broad-based partnerships for South-South cooperation calls for action on various fronts, beginning with the intensification of efforts by the developing countries to orient their development policies and practices towards economic and technical cooperation among developing countries. The essential requirements are innovative measures for undertaking South-South cooperation programmes, adequate funding of such programmes and acceleration of support to think-tanks of the South. Information on some of the noteworthy initiatives that underscore the various benefits different partners can bring to promote and widen the scope of South-South cooperation is provided below.

Pivotal countries

32. The Special Unit identified 23 developing countries that, at a meeting in 1997, expressed their willingness to play a lead role in technical cooperation among developing countries by sharing their policies as well as their experience, know-how and expertise with other developing countries. Those countries, many of which are at a mid-income level, bring a new dimension to technical and economic cooperation among developing countries that should increase the flow of technical assistance from the more developed to the less developed countries of the South. Further action in terms of initiatives by groups of countries and pilot projects is under consideration.

Triangular cooperation

33. Triangular cooperation has emerged as a useful vehicle for donor countries to support South-South programmes initiated and managed by two or more developing countries for their mutual benefit. Japan, for example, provided funds to Indonesia in 1997 to promote rice cultivation in the United Republic of Tanzania. There are many cases in which a donor has helped a developing country to send its personnel for training in another developing country. Observation study tours for family-planning workers conducted by Indonesia received participants from many countries under this kind of triangular financing. Denmark supported a technical cooperation programme between Chile, Cuba and the Dominican Republic. Germany is supporting a programme under which Chile and Paraguay will develop small and medium enterprises. Under a programme funded by Finland, Mexico is helping Guatemala to improve the living conditions of local communities in the country, and Chile is promoting the woodworking industry in Nicaragua. Austria, France, Italy and the Netherlands have also provided funds for triangular arrangements. Another very good example involves a major food security initiative in West Africa, supported by UNDP with funding from Japan. The initiative has evolved into a broad-based partnership involving the West African Rice Development Association, a number of rice research institutions, gene banks and laboratories and extension agents in a number of countries in the subregion. The Trust Fund for South-South Cooperation, established pursuant to General Assembly

resolution 50/119 has supported some major initiatives in South-South cooperation. Triangular cooperation and expanded activities of the Trust Fund hold promise and deserve greater support from the donor countries.

Participation by the private sector and non-governmental organizations

34. Following the second Tokyo International Conference on African Development, held in October 1998, UNDP, in collaboration with the Multilateral Investment Guarantee Agency of the World Bank, UNCTAD, the Malaysian South-South Corporation, relevant United Nations agencies and organizations and national chambers of commerce and industry in Africa and Asia launched the Africa-Asia Business Forum with the financial support of Japan. This project is dedicated to Asia-Africa business and investment collaboration in areas such as joint ventures, franchising, technical licensing, technology transfer and subcontracting. Enterprises from China, India, Indonesia, Malaysia, the Philippines, the Republic of Korea, Singapore and Thailand will cooperate with those in Africa, mainly in Botswana, Côte d'Ivoire, Ghana, Nigeria, South Africa, Togo, the United Republic of Tanzania and Zimbabwe to set up collaborative ventures. This initiative promises to contribute significantly to South-South industrial and technological cooperation.

35. Also noteworthy is the recent collaboration of UNDP with a number of international non-governmental organizations such as the South Centre, the Third World Network, the Third World Network of Scientific Organizations and the Third World Academy of Sciences. This partnership arrangement is expected to enhance the capacity of these institutions as think-tanks and as effective networks preparing agendas for action as well as documenting and disseminating successful sustainable development practices.

B. Enhancing the collective capacities of developing countries

36. The phenomenon of globalization raises the question of how individual countries, especially the least developed, are to maximize the benefits of the process and minimize the risks of possible dislocation and marginalization. The critical challenge in this regard is capacity-building. Developing countries need new capacities to acquire and utilize the flood of knowledge made available by the information revolution. Equally important is the capacity for the efficient management of the public and private sectors domestically so that in a competitive world it is possible to thrive and prosper. In addition, it is necessary to acquire the skills and know-how for the capacity to negotiate effectively in the new systems of global governance like WTO.

37. In response to requests from the developing countries as a group for support in relation to their participation in the work of WTO, UNDP and the South Centre joined in a major undertaking to review the processes of WTO and its implications for the South. This effort resulted in a policy publication entitled "The WTO Multilateral Trade Agenda and the South" in 1998. The publication analyses various areas and issues confronting developing countries in the WTO process in respect of implementation of the Uruguay Round agreements, their built-in agenda and the future millennial trade agenda. It proposes a number of tasks to be undertaken by developing countries for the improvement of their position in the global trade regime and their negotiating capacity in WTO. The publication serves as a useful reference for those routinely involved in WTO discussions and negotiations in Geneva and for officials, policy makers and opinion leaders in national capitals.

38. In a similar effort, UNCTAD and UNDP have jointly launched a global programme on globalization, liberalization and sustainable human development. The programme aims at strengthening the capacities of developing countries, especially the low-income ones, using the South-South approach to design policy and institutional measures suitable for their integration into the global economy, to improve coordination between policy development at the local and global levels and to monitor the implementation of policies and programmes. In collaboration with the Organization of African Unity, the Economic Commission for Africa and several other regional groupings, UNDP is also launching a major initiative to build capacities of the countries in the sub-Saharan region.

39. Another collective capacity-building effort involves the continued implementation of the UNCTAD Global System of Trade Preferences among Developing Countries. Launched in 1989, the system has indeed provided a useful framework for free trade among a limited number of countries and served as a stepping stone towards global free trade.

40. A number of other initiatives are also being undertaken to build the capacity of groups of disadvantaged countries in specific areas of strategic importance. UNCTAD is assisting the least developed countries to ensure duty-free access for their exports under the WTO regime. United Nations organizations are increasingly supporting the establishment of centres of excellence in the South. The

United Nations Population Fund, for example, supported the establishment of five centres of excellence, in China, Indonesia, Mexico, Thailand and Tunisia, which promote the dissemination of successful experiences in the field of reproductive health and population aimed at offering a wide range of relevant training to other developing countries.

41. Capacity-building thus constitutes an important focus of many international development cooperation activities. It is also felt that more tangible and self-sustaining results can perhaps be achieved through multilateral initiatives that help pool and strengthen the South's collective capacities in dealing not only with national development and global integration challenges that are common to all developing countries, but also with those that are specific to the less- and least-developed, landlocked and small island developing countries.

C. Connecting the South

42. The information revolution is making it easier to compile information and to provide access to technology at relatively low cost. It has made it possible to unbundle production processes, spreading out production plants to many locations and opening up the scope for subcontracting to small and medium enterprises in a global market. It also provides opportunities for developing countries to leapfrog to sophisticated technology. These advances have offered unprecedented opportunity to the developing countries to speed up the process of development.

43. Over the years, most United Nations organizations and agencies have collated information on expertise, institutions and best practices. The Food and Agriculture Organization of the United Nations, for example, has expanded its Agricultural Sciences and Technology Information System and Agricultural Research Information System by adding a comprehensive roster of Southern experts for technical cooperation among developing countries and countries in transition. UNIDO has an industrial and technology information bank and a technology information exchange system. The Universal Postal Union maintains an updated roster of experts in postal services and communication in developing countries. The Global Trade Point Network (GTPNet) of UNCTAD provides a broad range of information on goods and services, as well as trade practices and investment opportunities in the South. The network has increased its regional and country-based trade points to 60, covering 117 countries in all regions. To some developing countries, GTPNet has become the only sure avenue for participation in electronic commerce.

44. Another outstanding example is the Small Island Developing States Network (SIDSNet), launched in 1997 jointly by UNDP and the Alliance of Small Island States. SIDSNet now includes a Web site featuring networking tools for biodiversity, climate change, energy, tourism and trade. The network has become an important platform for small island developing States in all the regions to share information and exchange experiences.

45. A major development in the facilitation of South-South information flow has been the conversion of the Technical Cooperation among Developing Countries Information Referral System into the fully Internet-based Web of Information for Development, initiated by the Special Unit for Technical Cooperation among Developing Countries in 1998 in collaboration with the Government of Brazil. Already the system carries extensive information on Southern expertise, development institutions, centres of excellence and training courses in Southern institutions. It has also documented a wide array of successful practices in science and technology, urban management, poverty alleviation measures, sustainable agriculture and rural development. Partnerships forged with Southern research institutions and networks and collaboration with other United Nations agencies have provided some of these compilations on best practices. Ongoing efforts are concentrated in further diversifying the information to also contain country- and sector-specific information and cooperation opportunities existing in the South. Special efforts are being made to make the information accessible to less developed countries by providing limited hardware support. Once fully developed, all developing countries that have access to the Internet would be able to access information on South-South cooperation and to provide information on their development activities to interested partners.

46. While the United Nations organizations and agencies have invested heavily and appropriately over the years in creating various databases and information systems, it remains a formidable challenge to link them and to make them easily accessible to developing countries as well as to the donor community and to the United Nations country operation teams.

D. Integrating South-South cooperation into operational activities

47. In response to General Assembly resolution 52/205, the UNDP Special Unit for Technical Cooperation among Developing Countries, in close collaboration with the

organizations and agencies of the United Nations system, has undertaken a number of initiatives aimed at further improving the coordination and effectiveness of the system's support for South-South cooperation. These include: (a) the revision of the system-wide guidelines for the review of policies and procedures concerning technical cooperation among developing countries (E/1997/110), which were reviewed by the Economic and Social Council and noted in its decision 1998/284; (b) the concrete recommendations of the Secretary-General on the strengthening of the integration of the modalities of economic and technical cooperation among developing countries (A/53/226/Add.4); and (c) the meeting of representatives and focal points on economic and technical cooperation among developing countries in June 1999 to revisit the guidelines and specifically discuss and develop common indicators for monitoring and measuring progress and results achieved in implementing the revised guidelines and the recommendations of the Secretary-General. It is believed that these efforts will go a long way towards fulfilling the commitment of the United Nations development system to orient its operational activities increasingly towards the support of South-South cooperation.

48. From the Buenos Aires Plan of Action to Economic and Social Council resolution 1992/41 of 30 July 1992 and many subsequent General Assembly resolutions, the United Nations system has been constantly urged to give prominence to South-South cooperation in the programmes and activities supported by the organizations and agencies of the United Nations system, including the regional commissions. Orienting the operational activities for development increasingly towards the support of South-South cooperation constitutes an important element of the strategy of the United Nations development system. While progress has been registered in recent years, more efforts are needed to increase the level of financial support for such cooperation. Senior managers throughout the United Nations development system, at both the Headquarters and country levels, must be oriented to supporting South-South cooperation as their primary responsibility. The United Nations Development Assistance Framework, the UNDP regional and country frameworks and the regular technical cooperation programmes of all the United Nations organizations and agencies, including the regional commissions, must give concrete expression to the support of collaborative initiatives among developing countries.

IV. Concluding remarks

49. The upsurge in South-South cooperation has continued despite the economic and financial setback observed in 1997 in some Asian countries. The strength of an integrated world economy cushioned the contagion effect of the Asian downturn and also delayed and mitigated its impact on other developing countries and countries in transition. The crisis has, however, demonstrated again that the global economy is interdependent and that no country could remain unaffected by or provide on its own solutions to emerging problems in a rapidly changing world economy.

50. It is worth noting that the Asian crisis has laid the groundwork for consensus on banking reforms and for especially cautious management of short-term capital flow. It has helped in the articulation of new ideas on monitoring currency transactions and highlighted the need for bolder measures to upgrade the quality of human resources. It has stressed the need for the South to rely more heavily on the principles of solidarity and collective self-reliance and to develop adequate processes, mechanisms and policies for reaping the benefits of globalization.

51. The review in the present report makes it clear that South-South cooperation is a powerful instrument for expanding the global economy in an equitable manner. It facilitates the inclusion of all countries, especially the disadvantaged ones, in a prosperous, integrated world. It is also obvious that while the globalization process has expanded the opportunities for developing countries, it has also presented challenges requiring multilateral action to counter them successfully.

52. South-South cooperation provides a formidable framework for collective action on the national, subregional, regional interregional and global levels. It is an enterprise among the South, by the South and for the South. It needs to be followed both individually and collectively. Its ultimate objective is enlarging people's choices and improving the well-being of the poor and the disadvantaged. While external support remains crucial and, indeed, needs to be increased substantially, the extent to which the full potential of such cooperation can be exploited and unleashed depends largely on the South's own efforts. The success of such efforts can contribute significantly to the sustainable economic growth and integration of developing countries in the world economy. More deliberate efforts must, therefore, be made to strengthen the collective self-reliance of the South. First, regional and subregional economic arrangements should seek regional integration more rapidly. Second, they should develop and coordinate common

positions on global economic issues and be transformed into strong platforms of common interest. Third, their bargaining capacity through the building and consolidation of regional and global organizations, such as the Group of 15, the Group of 24 and the Group of 77, and through the provision of support to Southern think-tanks should be strengthened. Innovative regional mechanisms for dealing with financial and monetary matters, for example, should be explored to attract external capital flows, to provide early warning of financial crisis, to mobilize international rescue operations and to formulate structural adjustment programmes suited to the economic and financial systems and social conditions of the countries concerned.

53. Increasing interdependence between and among all economies is the *raison d'être* for renewed multilateralism. It needs a humane face to be inclusive and sustainable. The profit motive and the development motive need to go hand in hand. The experiences and innovative initiatives discussed in the present report, such as collective capacity-building, triangular cooperation, debt reduction, knowledge networking and the setting up of centres of excellence, open up a variety of practical avenues for more donor participation and support. The international community, and especially the multilateral system, must work together to draw lessons from these experiences and to develop and support more results-oriented and self-sustaining South-South initiatives. This way conditions and opportunities for the wider participation of developing countries in the globalization process can be ensured and the international development objective can be advanced.

Notes

[1] UNCTAD, Trade and Development Report 1998, p. 27.

[2] Bouzas, Robert, "Promoting trade and investment in the Mercosur region" (paper prepared for the eleventh session of the High-level Committee on the Review of Technical Cooperation among Developing Countries, 1999).

[3] UNCTAD, Trade and Development Report 1998, p. 28.

[4] South Centre, "Foreign Direct Investment, Development and the New Global Order", 1997.

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Torture and other cruel, inhuman or degrading treatment or punishment

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly the interim report submitted by Sir Nigel Rodley, Special Rapporteur of the Commission on Human Rights on the question of torture and other cruel, inhuman or degrading treatment or punishment, in accordance with Assembly resolution 53/139 of 9 December 1998.

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Annex

Report on torture and other cruel, inhuman or degrading treatment or punishment, submitted by Sir Nigel Rodley, Special Rapporteur of the Commission on Human Rights, in accordance with General Assembly resolution 53/139

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I. Introduction

1. The present report has been submitted by the Special Rapporteur on the question of torture and other cruel, inhuman or degrading treatment or punishment pursuant to General Assembly resolution 53/139 and resolution 1999/32 of the Commission on Human Rights. It is the first written report to be submitted to the General Assembly[1] since the forty-first session of the Commission on Human Rights, at which the Commission adopted resolution 1985/33, in which it decided to appoint a special rapporteur to examine questions relevant to torture.

2. The Special Rapporteur, Sir Nigel Rodley, was appointed by the Chairman of the Commission on Human Rights in 1993, pursuant to resolution 1993/40, when his predecessor, Peter Kooijmans, resigned. The Special Rapporteur has subsequently presented six annual reports to the Commission on Human Rights; his predecessor presented eight annual reports to the Commission on Human Rights.

3. The present report covers the period from 15 December 1992 to 31 August 1999, the period reported on by the present Special Rapporteur. The period from 1985 to 1992 is summarized in paragraphs 4 to 6 below. In chapter II, the Special Rapporteur provides an interpretation of the mandate entrusted to him and the legal framework in which it has been implemented. Chapter III covers the methods of work and the activities undertaken since 1993. Chapter IV presents issues of special concern to the Special Rapporteur. Finally, chapter V contains the Special Rapporteur's concluding remarks and recommendations.

II. Mandate

A. History

4. At its forty-first session, the Commission on Human Rights adopted resolution 1985/33, in which it decided to appoint a special rapporteur to examine questions relevant to torture, requesting him to seek and receive credible and reliable information on such questions and to respond to that information without delay. The mandate was subsequently renewed by the Commission in 1986, 1987, 1988, 1990, in resolution 1992/32 (when the Commission extended the mandate for a period of three years), in 1995 and 1998.

5. Pursuant to this mandate, the Special Rapporteur established contact with Governments requesting information on the legislative and administrative measures taken to prevent torture and to remedy its consequences whenever it occurs. Further, the provision of the mandate calling upon him to respond effectively to the credible and reliable information that comes before him led to the urgent action procedure by which the Special Rapporteur requests assurances from the concerned Government to ensure protection of the individual's right to physical and mental integrity.

B. Terms of reference

6. The Special Rapporteur has followed the principle of continuity in the discharge of the mandate conferred on him pursuant to resolutions of the Commission on Human Rights. Thus, his work is characterized by the following main types of activity:

(a) Seeking and receiving credible and reliable information from Governments, the specialized agencies and non-governmental organizations;

(b) Making urgent appeals to Governments to clarify the situation of individuals whose circumstances give grounds to fear that treatment falling within the Special Rapporteur's mandate might occur or be occurring;[2]

(c) Transmitting to Governments information of the sort mentioned in (a) above indicating that acts falling within his mandate may have occurred or that legal or administrative measures are needed to prevent the occurrence of such acts;

(d) Carrying out visits *in situ* with the consent of the Government concerned.

7. In addition to the resolutions renewing his mandate (1986/50, 1987/29, 1990/34, 1992/32, 1995/37 B and 1998/38), several resolutions adopted or reaffirmed by the Commission on Human Rights at its fifty-fifth session are also pertinent within the framework of the mandate and have been taken into consideration by the Special Rapporteur in examining and analysing the information brought to his attention. These resolutions are, in particular: 1999/27, entitled "Human rights and terrorism"; 1999/30, "Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment"; 1999/31, "Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers"; 1999/33, "The right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms"; 1999/34, "Impunity"; 1999/35, "Extrajudicial, summary or arbitrary executions"; 1999/36, "Right to freedom of opinion and expression";

1999/37, "Question of arbitrary detention"; 1999/38, "Question of enforced or involuntary disappearances"; 1999/39, "Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief"; 1999/41, "Integrating the human rights of women throughout the United Nations system"; 1999/42, "Elimination of violence against women"; 1999/43, "Abduction of children from northern Uganda"; 1999/47, "Internally displaced persons"; 1999/48, "Rights of persons belonging to national or ethnic, religious and linguistic minorities"; 1999/66, "Implementation of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms"; 1999/74, "Assistance to States in strengthening the rule of law"; 1999/78, "Racism, racial discrimination, xenophobia and related intolerance"; 1999/80, "Rights of the child".

C. Legal framework

8. The Special Rapporteur is guided by international legal standards. The main substantive legal framework, as indicated by the Commission on Human Rights in its resolution 1999/32, consists of the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Relevant provisions of other international human rights instruments such as the Convention on the Rights of the Child, the Vienna Declaration and Programme of Action, the Declaration on the Elimination of All Forms of Violence against Women, the four Geneva Conventions of 1949 for the protection of war victims, the Standard Minimum Rules for the Treatment of Prisoners, the Body of Principles for the Treatment of Prisoners, the Principles of Medical Ethics relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials are also taken into consideration by the Special Rapporteur.

9. The right to be free from torture and cruel, inhuman or degrading treatment or punishment is a non-derogable right, the protection of which is explicitly affirmed in article 5 of the Universal Declaration of Human Rights, article 7 of the International Covenant on Civil and Political Rights, the Declaration of All Persons from Being Subjected to Torture and Other Cruel, Inhuman Treatment or Punishment and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment.

10. In accordance with article 2 of the Universal Declaration of Human Rights and articles 2 and 26 of the International Covenant on Civil and Political Rights, and pursuant to several other United Nations declarations and conventions, everyone is entitled to this right without distinction or discrimination of any kind, and all persons shall be guaranteed equal and effective access to remedies for the violation of this right.

11. Moreover, article 4, paragraph 2, of the International Covenant on Civil and Political Rights provides that exceptional circumstances such as internal political instability or any other public emergency may not be invoked to justify any derogation from the right to life and security of the person.

12. The Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment establish other legal obligations to prevent torture and other cruel, inhuman or degrading treatment. These legal obligations, which the Special Rapporteur takes into consideration when he communicates with a State or undertakes an *in situ* visit, include the following:

(a) Each State shall ensure that acts of torture are offences under its criminal law;

(b) Any person who alleges that he or she has been subjected to torture or other cruel, inhuman or degrading treatment or punishment by or at the instigation of a public official shall have the right to complain to, and to have his case impartially examined by, the competent authorities of the State concerned;

(c) If an investigation establishes that an act of torture appears to have been committed, criminal proceedings shall be instituted against the alleged offender or offenders in accordance with the national law. If an allegation of other forms of cruel, inhuman or degrading treatment or punishment is considered to be well founded, the alleged offender or offenders shall be subject to criminal, disciplinary or other appropriate proceedings;

(d) Where it is proved that an act of torture or other cruel, inhuman or degrading treatment or punishment has

been committed by or at the instigation of a public official, the victim shall be afforded redress and compensation in accordance with national law;

(e) Any statement which is established to have been made as a result of torture or other cruel, inhuman or degrading treatment or punishment may not be invoked as evidence against the person concerned or against any other person in any proceedings;

(f) No State shall expel, return (refouler) or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.

III. Methods of work and other activities since 1993

13. The Special Rapporteur discharges his mandate mainly on the basis of information brought to his attention by non-governmental organizations, Governments, individuals and intergovernmental organizations. These communications contain specific cases of alleged torture and cruel, inhuman or degrading treatment or punishment and general information about questions related to torture.

14. While many of the organizations and individuals providing allegations are well known to the Special Rapporteur and other United Nations human rights officials as sources of credible information, sometimes allegations are received from less well-known or entirely new sources. The main criteria applied by the Special Rapporteur in the evaluation of such allegations are the degree of detail they contain concerning the victims and the precise circumstances of the given incident. Where doubt persists, the Special Rapporteur will seek corroboration of these allegations from other sources of undisputed credibility. The way in which the sources of allegations respond to the Special Rapporteur's requests for comments on the contents of government replies and/or for additional details to clarify the cases they submitted will provide the Special Rapporteur with a basis for assessing the reliability of the sources. Where the information is considered to be credible, the Special Rapporteur transmits the allegations to the Governments concerned, either in the form of an urgent appeal or a letter.

A. Letters of general allegation

15. In the first report submitted by the Special Rapporteur to the fiftieth session of the Commission on Human Rights, he reported that it was only possible to send one letter to Governments transmitting information alleging violations of the prohibition of treatment within the Special Rapporteur's mandate, regardless of the incidence and quality of the information addressed to the Special Rapporteur. At the time he noted that this was an unfortunate situation: first, because it is desirable for Governments to be in possession of relevant information as expeditiously as possible; and second, because when information is transmitted later in the year, little time is left for the receipt of a response that can be reflected in the Special Rapporteur's report for the year in question. This leads to even an initial exchange of correspondence being spread across more than one report. This, in turn, makes it difficult for a reader to obtain a properly balanced perspective concerning the original allegations or to assess the significance of any later governmental response. Moreover, much information that arrives after the transmittal of a letter to a Government must then wait until the following year before being transmitted to that Government. Further, if any response from a Government seems to the Special Rapporteur to warrant elucidation, he is only in a position to seek that elucidation within the context of the next letter of transmittal of information (see E/CN.4/1994/31, paras. 9 and 10). Regrettably, the limited resources of the Office of the United Nations High Commissioner for Human Rights continue to dictate that only one letter can be transmitted each year to Governments.

16. Between December 1993 and 10 December 1998, the Special Rapporteur transmitted 330 letters, involving approximately 3,357 individuals, as well as 34 groups involving approximately 905 individuals.

17. Since December 1993, letters have been transmitted to the following 127 countries: Afghanistan, Algeria, Albania, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Belgium, Bhutan, Bolivia, Brazil, Bulgaria, Cambodia, Cameroon, Canada, Chad, Chile, China, Colombia, Congo, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic Republic of the Congo (former Zaire), Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Guinea-Bissau, Ethiopia, France, Gambia, Georgia, Greece, Guatemala, Guinea, Haiti, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kyrgyzstan, Lao People's Democratic Republic,

Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Malaysia, Maldives, Mauritania, Mexico, Morocco, Mozambique, Myanmar, Namibia, Nepal, Niger, Nigeria, Norway, Pakistan, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Slovakia, South Africa, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, Trinidad and Tobago, Togo, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uzbekistan, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia and Zimbabwe. The Special Rapporteur has also transmitted information to the Palestinian Authority.

B. Urgent appeals

18. An urgent appeal is made on the basis of information received by the Special Rapporteur expressing concern about the fact that a person is at risk of being subjected to torture. Such concern may be based, *inter alia*, on accounts by witnesses of the person's physical condition while in detention, or on the fact that the person is kept incommunicado, a situation which may be conducive to torture. The Special Rapporteur, when making a determination as to whether there are reasonable grounds to believe that an identifiable risk of torture exists, takes into account a number of factors, any one of which may be sufficient, though generally more than one will be present. These factors include: (a) the previous reliability of the source of the information; (b) the internal consistency of the information; (c) the consistency of the information with information on other cases from the country in question that has come to the Special Rapporteur's attention; (d) the existence of authoritative reports of practices of torture from national sources, such as official commissions of inquiry; (e) the findings of other international bodies, such as those established in the framework of the United Nations human rights machinery; (f) the existence of national legislation, such as that permitting prolonged incommunicado detention, that can have the effect of facilitating torture; and (g) the threat of extradition or deportation, directly or indirectly, to a State or territory where one or more of the above elements are present.

19. The urgent appeal procedure is not per se accusatory, but essentially preventive in nature and purpose. The Government concerned is merely requested to look into the matter and to take steps aimed at protecting the right to physical and mental integrity of the person concerned, in accordance with the international human rights standards.

20. In view of the fact that the urgent appeal contains information that is extremely time-sensitive, the appeal is addressed directly to the Ministry for Foreign Affairs or relevant department of the country concerned.

21. The Special Rapporteur, where appropriate, sends urgent appeals jointly with other organs of the United Nations human rights machinery.

22. Between December 1993 and 10 December 1998, the Special Rapporteur transmitted 712 urgent appeals on behalf of approximately 2,959 individuals and 44 groups involving 2,280 individuals. During the period under review, from 10 December 1998 to 31 August 1999, the Special Rapporteur transmitted 113 urgent actions to 41 countries.

23. The Special Rapporteur has sought to cooperate with holders of other Commission mandates to avoid duplication of activity in respect of country-specific initiatives. Thus, he has sent urgent appeals or transmitted information alleging violations within his mandate to Governments jointly with the following mechanisms: the Working Groups on Enforced or Involuntary Disappearances and on Arbitrary Detention, and the Special Rapporteurs on extrajudicial, summary or arbitrary executions; the independence of judges and lawyers; freedom of opinion and expression; violence against women; the Sudan; the Democratic Republic of the Congo; Nigeria; Burundi; the Islamic Republic of Iran; Afghanistan; Myanmar.

24. Since December 1993, urgent appeals were transmitted to the following 83 countries: Algeria, Bahamas, Bahrain, Bangladesh, Belgium, Bhutan, Bolivia, Brazil, Bulgaria, Cameroon, Canada, Chad, Chile, China, Colombia, Côte d'Ivoire, Cuba, Democratic Republic of the Congo (former Zaire), Denmark, Djibouti, Ecuador, Egypt, Equatorial Guinea, Ethiopia, Gambia, Georgia, Greece, Guatemala, Haiti, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Israel, Japan, Kazakhstan, Kenya, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Malaysia, Mauritania, Mexico, Morocco, Myanmar, Namibia, Nepal, Niger, Nigeria, Pakistan, Norway, Peru, Qatar, Republic of Korea, Russian Federation, Rwanda, Saudi Arabia, Senegal, Sierra Leone, South Africa, Sri Lanka, Sudan, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, Trinidad and Tobago, Togo, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, United States of America, Uzbekistan, Venezuela, Viet Nam, Yemen, Yugoslavia and

Zimbabwe. The Special Rapporteur has also transmitted urgent actions to the Palestinian Authority.

C. Government replies and follow-up communications

25. In its annual resolution on the question of torture and other cruel, inhuman or degrading treatment or punishment, the Commission on Human Rights has continuously called upon all Governments to cooperate with and assist the Special Rapporteur on the question of torture, to supply all necessary information requested by him and to react appropriately and expeditiously to his urgent appeals. While many Governments have replied in an expeditious manner to his communications, many others have failed to do so. The table below shows the number of Governments that have replied to the communications.

Year	*Number of Governments to which urgent appeals and/or cases were transmitted*	*Number of Governments that provided replies*
1994	42	20
1995	53	34
1996	48	41
1997	61	42
1998	45	28
1999	59	35

26. The Special Rapporteur analyses responses from Governments and then transmits the contents to the sources of the allegations, as appropriate, for comment. If required, dialogue with the Government is then pursued further.

D. Visits

27. The Special Rapporteur does not, as a rule, seek to visit a country in respect of which the United Nations has established a country-specific mechanism such as a special rapporteur on the country, unless a joint visit seems to both to be indicated. As regards countries where the mandate of other thematic mechanisms may also be affected, he seeks consultation with them with a view to exploring with the Government in question, either jointly or in parallel, the possibility of a joint visit. Similarly, where the Committee against Torture is considering the situation in a country under article 20 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, especially if that consideration involves a visit or possible visit to the country in question, the Special Rapporteur does not seek a visit.

28. The Special Rapporteur carries out visits to countries on invitation, but also takes the initiative of approaching Governments with a view to carrying out visits to countries concerning which he has received information indicating the existence of a significant incidence of torture. Such visits allow the Special Rapporteur to gain more direct knowledge of cases and situations falling within his mandate, and are intended to enhance the dialogue between the Special Rapporteur and the authorities most directly concerned, as well as with the alleged victims, their families and their representatives and concerned non-governmental organizations. The visits also allow the Special Rapporteur to address detailed communications to Governments.

29. With regard to countries in which visits have been carried out, the Special Rapporteur periodically reminds the Governments concerned of the observations and recommendations formulated in the respective reports, requesting information on the consideration given to them and the steps taken for their implementation, or the constraints which might have prevented their implementation.

30. Since he has taken up his mandate as Special Rapporteur on the question of torture and other cruel, inhuman or degrading treatment or punishment, the Special Rapporteur has conducted visits to Rwanda (1994), the Russian Federation (1994), Colombia (1994), Chile (1995), Venezuela (1996), Pakistan (1996), Mexico (1997), Turkey (1998), Romania (1999) and Cameroon (1999). The visit to Colombia was undertaken with the Special Rapporteur on extrajudicial, summary or arbitrary executions. In response to a request by the Special Rapporteur on the situation of human rights in Rwanda, the Special Rapporteur accompanied the latter on his first visit to Rwanda from 10 to 20 June 1994. At the time of writing the present report, the Special Rapporteur was also scheduled to undertake a visit to Kenya in September 1999, and the Government of China had agreed to a visit in the first part of 2000. Initial positive reactions from the Permanent Missions of Algeria and Egypt to the United Nations Office at Geneva to his requests for invitations to visit their countries did not yield the hoped-for invitations. His request for invitations to visit India, Indonesia, Bahrain, Brazil and Tunisia remain without positive response.

E. Other activities

31. In its resolutions, the Commission on Human Rights has considered it desirable that the Special Rapporteur continue to exchange views with the relevant human rights mechanisms and bodies, especially the Committee against Torture and the Office of the United Nations High Commissioner for Human Rights, in particular with a view to enhancing further their effectiveness and mutual cooperation while avoiding unnecessary duplication with other special procedures, and that he should pursue cooperation with relevant United Nations programmes, notably that on crime prevention and criminal justice (see, for example, resolution 1999/32, para. 28). To this end, the Special Rapporteur has regularly met with other mechanisms and agencies as described below.

32. During his first year in his office, the Special Rapporteur held a formal meeting with the Board of Trustees of the Voluntary Fund for Victims of Torture. At this meeting, he assured the Board that he would continue his predecessor's support for its work, encourage contributions to its resources and disseminate, as appropriate, information on its work to those that could benefit from the assistance it offers.

33. On 19 May 1998, the Special Rapporteur participated in the first joint meeting with the Committee against Torture and the Voluntary Fund for Victims of Torture, together with the High Commissioner for Human Rights. The other bodies with mandates connected with the question of torture exchanged views and information on how each of them works and the complementary nature of their mandates. The meeting also adopted a statement for 26 June, United Nations International Day in Support of Victims of Torture. Although a joint meeting was not able to be held in 1999, a joint statement was issued on the International Day. The Special Rapporteur believes that it would be valuable to hold such meetings on a periodic basis.

34. While limited resources have made it impossible for the Special Rapporteur to attend on a regular basis the sessions of the Committee against Torture, the Special Rapporteur has met as frequently as possible with the Committee and/or its Chairman. As noted above, he participated in the first joint meeting with the Committee and the Voluntary Fund for Victims of Torture, together with the High Commissioner for Human Rights. Further, in carrying out his mandate, the Special Rapporteur coordinates closely with the Committee to avoid unnecessary duplication.

35. In its resolution 1993/41, entitled "Human rights in the administration of justice", the Commission on Human Rights invited the Commission on Crime Prevention and Criminal Justice to explore ways and means of cooperating with the human rights programme in the field of the administration of justice, with special emphasis on the effective implementation of norms and standards. Mindful of this resolution, the Special Rapporteur accepted an invitation to attend the second session of that Commission, where he stressed the importance of norms and standards adopted in the criminal justice field for his own work. Of particular relevance were the Standard Minimum Rules for the Treatment of Prisoners (1955), the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1975) and the Code of Conduct for Law Enforcement Officials (1979). The Special Rapporteur subsequently attended the third session of that Commission in 1994 and the fifth session in 1996.

36. The Special Rapporteur also attended the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Cairo in 1995. At the Congress, he participated in an ancillary meeting organized by Penal Reform International (PRI) on a draft manual prepared by PRI with the aim of making the Standard Minimum Rules for the Treatment of Prisoners more accessible, especially to prison staff.

37. The Special Rapporteur has participated in all six annual meetings of special rapporteurs/representatives, experts and chairpersons of working groups of the Commission on Human Rights and of the advisory services programme. The Special Rapporteur considers these meetings an important opportunity to exchange views with his colleagues to improve coordination between mechanisms, thereby avoiding unnecessary overlap and duplication of work. The Special Rapporteur acted as Rapporteur of the first two meetings and is currently the Chairman of the sixth meeting of special rapporteurs/representatives, experts and chairpersons of working groups.

38. The Special Rapporteur attended the Fourth World Conference on Women, held in Beijing in September 1995, during which he participated in a seminar organized by the Centre for Human Rights. At this seminar, he drew attention to the position taken by the meeting of special rapporteurs on the issue of the integration of women's rights into their work and explained how he had sought to give effect to the policy in his own work. In addition, he was able to attend the United Nations fiftieth anniversary meeting of the International Scientific Professional Advisory Council of the United Nations Crime Prevention and Criminal Justice Programme, held in Courmayeur, Italy, in October 1995. Although participating on behalf of the University of Essex

Human Rights Centre, he addressed the gathering on the evolution of the United Nations thematic machinery, with particular reference to his own mandate. On the nomination of the Chairperson of the fifth meeting of special rapporteurs, the Special Rapporteur also attended the Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, held in Rome in June/July 1998. He also attended a round table of the International Institute of Humanitarian Law on the resulting Rome Statute of the International Criminal Court, held in San Remo, Italy, in September 1998. During his tenure, the Special Rapporteur has also attended numerous conferences and seminars organized by non-governmental organizations and academic institutions.

IV. Issues of special concern to the Special Rapporteur

A. Gender-specific forms of torture

39. In paragraph 5 of its resolution 1994/37 the Commission on Human Rights "invite[d] the Special Rapporteur to examine questions concerning torture directed disproportionately or primarily against women and conditions conducive to such torture, and to make appropriate recommendations concerning prevention of gender-specific forms of torture". In his report to the fifty-first session of the Commission on Human Rights, the Special Rapporteur addressed gender-specific forms of torture (E/CN.4/1995/34, paras. 15-24).

B. Violation of the prohibition of torture of children

40. In paragraph 5 of its resolution 1995/37 B the Commission on Human Rights invited the Special Rapporteur to examine questions concerning torture directed primarily against women and children and conditions conducive to such torture and to make appropriate recommendations concerning the prevention of gender specific forms of torture and the torture of children. In his report to the fifty-second session of the Commission on Human Rights, the Special Rapporteur considered the issue of torture and children (E/CN.4/1996/35, paras. 9-17).

C. Corporal punishment

41. In his report to the fifty-third session of the Commission on Human Rights, the Special Rapporteur addressed the issue of corporal punishment (E/CN.4/1997/7, paras. 3-11). He noted in this report that it had been the general practice of the mandate to take up cases involving corporal punishment, usually by means of the urgent appeal method. He further noted, however, that the Government of Saudi Arabia had contested the basis of the Special Rapporteur's concern with corporal punishment and, therefore, he addressed the relationship of the practice to the mandate of the Special Rapporteur in that report.

D. Incommunicado detention

42. In his 1988 report to the Commission on Human Rights at its fifty-fourth session, the Special Rapporteur's predecessor recommended, *inter alia*, that incommunicado detention should be declared illegal (E/CN.4/1988/17). Similarly, in its general comment (16) adopted at its sixteenth session, of 27 July 1982, the Human Rights Committee states: "Among the safeguards which may make control effective are provisions against detention incommunicado, granting, without prejudice to the investigation, persons such as doctors, lawyers and family members access to the detainees; provisions requiring that detainees should be held in places that are publicly recognized and that their names and places of detention should be entered in a central register available to persons concerned, such as relatives ..."[3] Based upon information received over the course of the past seven years, the Special Rapporteur is of the view that incommunicado detention is the most important determining factor as to whether an individual is at risk of torture. As such, the Special Rapporteur reiterates the recommendation of his predecessor and urges all States to declare incommunicado detention illegal.[4]

E. Torture of human rights defenders

43. In its resolution 1999/66, the Commission on Human Rights urged all treaty bodies and special representatives, special rapporteurs and working groups of the Commission and the Subcommission to give due regard to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (General Assembly resolution 53/144, annex) within their

mandates. Article 12 (2) of the Declaration provides that "[t]he State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or *de jure* adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration".

44. The Special Rapporteur has continuously received allegations concerning the torture or ill-treatment of human rights defenders. In the latest statistics available to the Special Rapporteur, in the years 1997 and 1998 21 human rights defenders were tortured or ill-treated or at risk of torture or ill-treatment. The repression of human rights defenders has a chilling effect on the promotion and protection of human rights and thus is of grave concern to the Special Rapporteur. In his forthcoming report to the Commission on Human Rights, the Special Rapporteur will address this issue in greater detail.

F. Question of non-refoulement

45. Article 3 (1) of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment provides that "[n]o State Party shall expel, return (refouler) or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture."The Human Rights Committee has also stated, in its general comment 20 (44) of 3 April 1992, that "States parties must not expose individuals to the danger of torture or cruel, inhuman or degrading treatment or punishment upon return to another country by way of their extradition, expulsion or refoulement. States parties should indicate in their reports what measures they have adopted to that end."[5]

46. The Special Rapporteur has utilized the urgent appeal mechanisms to intervene in cases where an individual is to be deported, extradited, expelled or returned to another country where he or she is thought to be at risk of torture or ill-treatment. In this regard, the Special Rapporteur wishes to emphasize that he does not request the concerned State not to return the individual, but rather, he calls upon the State to take effective steps to ensure that the individual would not be subjected to such treatment if he or she is indeed returned.

G. Question of impunity

47. Both the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment establish an obligation for the State to carry out an impartial investigation, even if there has been no formal complaint, where there is reasonable ground to believe that an act of torture has been committed. Further, States have an obligation to ensure that all acts of torture are offences under its criminal law and that these offences shall be punishable by appropriate penalties. Moreover, any person alleged to have committed such an offence shall be taken into custody or shall have other legal measures taken against him to ensure his presence.

48. The Special Rapporteur is of the view that impunity continues to be the principal cause of the perpetuation and encouragement of human rights violations and, in particular, torture. The Special Rapporteur is in agreement with his colleague, the Special Rapporteur on extrajudicial, summary or arbitrary executions, that even if in exceptional cases Governments may decide that perpetrators should benefit from measures that would exempt them from or limit the extent of their punishment, the obligation of Governments to bring them to justice and hold them formally accountable stands (see A/51/457, para. 120).

H. Compensation and rehabilitation of torture victims

49. Both the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment provide that a State should ensure in its legal system that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation, including the means for as full a rehabilitation as possible.

50. In this regard, the Special Rapporteur calls upon all States to support to the maximum extent possible the United Nations Voluntary Fund for Victims of Torture. Further, all States should support and assist rehabilitation centres that may exist in their territory to ensure that victims of torture are provided the means for as full a rehabilitation as possible.

I. Ratification of or accession to the Convention against Torture

51. There are currently 117 States parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. In its annual resolutions on the question of torture, the Commission on Human Rights has continuously called upon all States to become parties to the Convention. Further, it has invited all States ratifying or acceding to the Convention and those States parties that have not yet done so to make the declaration provided for in articles 21 and 22 of the Convention and to avoid making, or consider the possibility of withdrawing, reservations to article 20 (see, for example, resolution 1999/32).

52. The Special Rapporteur joins in this call, noting that ratification of or accession to the Convention demonstrates a State's commitment to eradicating the practice of torture.

J. Manual on the effective investigation of torture

53. During 1999, the Special Rapporteur participated in two meetings concerning the preparation of a manual on effective investigation and documentation of torture and other cruel, inhuman or degrading treatment or punishment, the first held in Istanbul, Turkey, from 11 to 13 March 1999 and the second held in Geneva at the Palais Wilson on 9 September 1999. The manual, inspired by the *Manual on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions*[6] is intended to serve as international guidelines for the assessment of persons who allege torture and ill-treatment, for investigating cases of alleged torture, and for reporting such findings to the judiciary and other investigative bodies. While the manual was developed to enable States to address the problem of effective documentation, it is also intended to apply to other contexts including human rights investigations and monitoring by intergovernmental and non-governmental organizations, evaluations of applications for political asylum, the defence of individuals who "confess" to crimes during torture, and needs assessments for the care of torture victims. The conceptualization and preparation of the manual was a collaborative effort between forensic doctors, physicians, psychologists, human rights monitors and lawyers representing 41 organizations or institutions from 15 countries.

54. The manual will include principles on the effective documentation of torture and other cruel, inhuman or degrading treatment or punishment, which would outline minimum standards for States to ensure the effective documentation of torture. The principles have been modelled on the relevant paragraphs of the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions (Economic and Social Council resolution 1989/65, annex). These principles have been annexed to the present report.

55. The Special Rapporteur is of the view that the manual will be an important tool for States in carrying out investigations concerning allegations of torture or ill-treatment. Noting that the General Assembly has endorsed the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions (resolution 44/162), the Special Rapporteur would recommend that consideration be given similarly to endorsing the Principles on the effective documentation of torture and other cruel, inhuman or degrading treatment or punishment.

K. International Criminal Court

56. The adoption of the Rome Statute of the International Criminal Court (A/CONF.183/9) on 17 July 1998 represents a landmark in international criminal law, including the development of international legal norms prohibiting torture. Article 7 (1) (f) of the Rome Statute lists "torture" among the crimes against humanity. Article 7 (2) (e) of the Statute defines "torture" as:

> "the intentional infliction of severe pain or suffering, whether physical or mental, upon a person in the custody or under the control of the accused; except that torture shall not include pain or suffering arising only from, inherent in or incidental to, lawful sanctions."

57. Also relevant is article 7 (1) (k) which covers "other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health".

58. Article 8 (2) (a) of the Statute, applicable to situations of international armed conflict, concerns grave breaches of the Geneva Conventions of 12 August 1949 and incorporates the Conventions' language on "torture or inhuman treatment" (ii) and "wilfully causing great suffering, or serious injury to body or health" (iii) in its list of acts coming within the material competence of the Court as a "war crime".

59. The provisions of the Rome Statute concerning war crimes committed in the context of an armed conflict not of an international character are based on article 3 common to the four Geneva Conventions of 12 August 1949 and include, *inter alia*, "violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture" as well as the commission of "outrages upon personal dignity, in particular humiliating and degrading treatment" (art. 8 (2) (c) (i)-(ii)).

V. Concluding remarks and observations

60. Based upon all the information available to him, the Special Rapporteur can only conclude that the phenomenon of torture continues to plague all regions of the world. The Special Rapporteur is of the view that torture can be eradicated only if there is a genuine will on the part of Governments to enforce the safeguards that have been established to prevent acts of torture from occurring. To this end, the Special Rapporteur would recommend the following:

(a) That all States that have not done so ratify or accede to the Convention against Torture or Other Cruel, Inhuman or Degrading Treatment or Punishment; further that all States ratifying or acceding to the Convention and those States parties that have not yet done so make the declaration provided for in articles 21 and 22 of the Convention and avoid making, or consider the possibility of withdrawing, reservations to article 20;

(b) That all States enact the necessary legislation to ensure that all acts of torture are offences under its criminal law, and that these offences are punishable by appropriate penalties which take into account their grave nature;

(c) That all States prohibit incommunicado detention for more than 24 hours or, under special circumstances, 48 hours, and that the safeguards provided in article 9 of the International Covenant on Civil and Political Rights concerning the liberty and security of the person be respected;

(d) That all States ensure that education and information regarding the prohibition of torture are fully included in the training of law enforcement personnel, civil or military, medical personnel, public officials and other persons who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment;

(e) That all States carry out a prompt and impartial investigation wherever there is reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction;

(f) That all States institute criminal proceedings where there is sufficient evidence to find that a State agent has committed an act of torture; where such an individual is found guilty of the crime, the punishment should be commensurate with the gravity of the crime;

(g) That all States should ensure that in its legal system the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation, including the means for as full a rehabilitation as possible;

(h) That all States provide support to the maximum extent possible to the United Nations Voluntary Fund for Victims of Torture;

(i) That all States ensure that any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings except against a person accused of torture as evidence that the statement was made;

(j) That the General Assembly give consideration to endorsing the Principles on the effective investigation and documentation of torture and other cruel, inhuman or degrading treatment or punishment annexed to the present report.

Notes

[1] Pursuant to resolution 1998/38 of the Commission on Human Rights, the Special Rapporteur presented an oral interim report to the fifty-third session of the General Assembly on 5 November 1998.

[2] With respect to the working methods used by the Special Rapporteur regarding urgent actions, reference should be made to the annex of the Special Rapporteur's report to the fifty-third session of the Commission on Human Rights (E/CN.4/1997/7).

[3] See *Official Records of the General Assembly, Thirty-seventh Session, Supplement No. 40* (A/37/40), annex V, para. 1.

[4] See also resolutions 1997/38, 1998/37 and 1999/32 of the Commission on Human Rights.

[5] Ibid., *Forty-seventh Session* (A/47/40), annex VI, sect. A, para. 9.

[6] United Nations publication, Sales No. E.91.IV.1.

Annex

Principles on the effective investigation and documentation of torture and other cruel, inhuman or degrading treatment or punishment

1. The purposes of effective investigation and documentation of torture and other cruel, inhuman or degrading treatment (hereafter torture or other ill-treatment) include the following:

(i) Clarification of the facts and establishment and acknowledgment of individual and State responsibility for victims and their families;

(ii) Identification of measures needed to prevent recurrence;

(iii) Facilitating prosecution and/or, as appropriate, disciplinary sanctions for those indicated by the investigation as being responsible, and demonstrating the need for full reparation and redress from the State, including fair and adequate financial compensation and provision of the means for medical care and rehabilitation.

2. States shall ensure that complaints and reports of torture or ill-treatment shall be promptly and effectively investigated. Even in the absence of an express complaint, an investigation should be undertaken if there are other indications that torture or ill-treatment might have occurred. The investigators, who shall be independent of the suspected perpetrators and the agency they serve, shall be competent and impartial. They shall have access to, or be empowered to commission investigations by impartial medical or other experts. The methods used to carry out such investigations shall meet the highest professional standards, and the findings shall be made public.

3 (a). The investigative authority shall have the power and obligation to obtain all the information necessary to the inquiry.[a] The persons conducting the investigation shall have at their disposal all the necessary budgetary and technical resources for effective investigation. They shall also have the authority to oblige all those acting in an official capacity allegedly involved in torture or ill-treatment to appear and testify. The same shall apply to any witness. To this end, the investigative authority shall be entitled to issue summonses to witnesses, including any officials allegedly involved, and to demand the production of evidence.

3 (b). Alleged victims of torture or ill-treatment, witnesses, those conducting the investigation and their families shall be protected from violence, threats of violence or any other form of intimidation that may arise pursuant to the investigation. Those potentially implicated in torture or ill-treatment shall be removed from any position of control or power, whether direct or indirect, over complainants, witnesses and their families, as well as those conducting the investigation.

4. Alleged victims of torture or ill-treatment and their legal representatives shall be informed of, and have access to any hearing as well as to all information relevant to the investigation, and shall be entitled to present other evidence.

5 (a). In cases in which the established investigative procedures are inadequate because of insufficient expertise or suspected bias, or because of the apparent existence of a pattern of abuse, or for other substantial reasons, States shall ensure that investigations are undertaken through an independent commission of inquiry or similar procedure. Members of such a commission shall be chosen for their recognized impartiality, competence and independence as individuals. In particular, they shall be independent of any suspected perpetrators and the institutions or agencies they may serve. The commission shall have the authority to obtain all information necessary to the inquiry and shall conduct the inquiry as provided for under these Principles.[a]

5 (b). A written report, made within a reasonable time, shall include the scope of the inquiry, procedures and methods used to evaluate evidence as well as conclusions and recommendations based on findings of fact and on applicable law. On completion, this report shall be made public. It shall also describe in detail specific events that were found to have occurred, the evidence upon which such findings were based, and list the names of witnesses who testified with the exception of those whose identities have been withheld for their own protection. The State shall, within a reasonable period of time, reply to the report of the investigation and, as appropriate, indicate steps to be taken in response.

6 (a). Medical experts involved in the investigation of torture or ill-treatment should behave at all times in conformity with the highest ethical standards and in particular shall obtain informed consent before any examination is undertaken. The examination must conform to established standards of medical practice. In particular, examinations shall be conducted in private under the control

of the medical expert and outside the presence of security agents and other government officials.

6 (b). The medical expert should promptly prepare an accurate written report. This report should include at least the following:

(i) Circumstances of the interview: name of the subject and name affiliation of those present at the examination; the exact time and date; the location, nature and address of the institution (including, where appropriate, the room) where the examination is being conducted (e.g. detention centre, clinic, house, etc.); the circumstances of the subject at the time of the examination (e.g. nature of any restraints on arrival or during the examination, presence of security forces during the examination, demeanour of those accompanying the prisoner, threatening statements to the examiner, etc.); and any other relevant factor;

(ii) History: a detailed record of the subject's story as given during the interview, including alleged methods of torture or ill-treatment, the times when torture or ill-treatment is alleged to have occurred and all complaints of physical and psychological symptoms;

(iii) Physical and psychological examination: a record of all physical and psychological findings on clinical examination including appropriate diagnostic tests and, where possible, colour photographs of all injuries;

(iv) Opinion: an interpretation as to the probable relationship of the physical and psychological findings to possible torture or ill-treatment. A recommendation for any necessary medical and psychological treatment and/or further examination should be given;

(v) Authorship: the report should clearly identify those carrying out the examination and should be signed.

6 (c). The report should be confidential and communicated to the subject or his or her nominated representative. The views of the subject and his or her representative about the examination process should be solicited and recorded in the report. It should also be provided in writing, where appropriate, to the authority responsible for investigating the allegation of torture or ill-treatment. It is the responsibility of the State to ensure that it is delivered securely to these persons. The report should not be made available to any other person, except with the consent of the subject or on the authorization of a court empowered to enforce such transfer.

Notes

[a] Under certain circumstances, professional ethics may require information to be kept confidential. These requirements should be respected.

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General Assembly

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Fifty-fourth session
Agenda item 118
Review of the efficiency of the administrative and financial functioning of the United Nations

Guidelines for Internal Control Standards

Report of the Secretary-General

1. The present report is submittted pursuant to General Assembly decision 53/455, in which the Assembly took note of the report of the Secretary-General on the Guidelines for Internal Control Standards (A/52/867) and endorsed the observations and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions (A/53/508), and requested the Secretary-General to submit a report to the Assembly at its fifty-fourth session, through the Board of Auditors and the Advisory Committee, taking into account the Guidelines for Internal Control Standards approved by the International Organization of Supreme Audit Institutions, as appropriate.

2. In its report, the Advisory Committee had noted that while the Board of Auditors' views had been sought on the Guidelines, the Board had not been invited to comment on the revised draft amendment of article X of the Financial Regulations of the United Nations proposed to read as follows:

> "Regulation 10.1 (e):
>
> "The internal control systems and procedures of the Organization should be in conformity, *mutatis mutandis*, with the Guidelines for Internal Control Standards approved by the International Organization of Supreme Audit Institutions in June 1992, or such later promulgations thereof which are acceptable to the Secretary-General."

3. However, for reasons indicated in paragraph 5 of the Advisory Committee's report, the Board had considered the revised draft amendment to the Financial Rules to be deficient. In the light of the request of the General Assembly in decision 53/455, the views of the Board of Auditors were formally solicited. The Board reviewed the submissions presented to it and confirmed its earlier position as reflected in the Advisory Committee's report (A/53/508).

99-28447 (E) 131099

4. For its part, the Advisory Committee, in paragraph 6 of its report, had expressed the opinion that the Guidelines were too general to be operational and should be useful for those concerned in the formulation or improvement of the existing specific United Nations internal control instruments referred to in paragraph 6 of the Secretary-General's report (A/52/867). The Advisory Committee recommended that the Guidelines be publicized rather than incorporated into the Financial Regulations. Accordingly, the Administration will undertake to publicize the Guidelines as widely as possible, including on the United Nations Intranet.

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Fifty-fourth session
Agenda item 100 (c)
Environment and sustainable development: Convention on Biological Diversity

Environment and sustainable development: Convention on Biological Diversity

Note by the Secretary-General

The Secretary-General has the honour to submit to the General Assembly, pursuant to its request in resolution 53/190 of 15 December 1998, the attached report of the Executive Secretary of the Convention on Biological Diversity.

99-28359 (E) 151099

Annex

Convention on Biological Diversity

Report of the Executive Secretary

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I. Introduction

1. In paragraph 15 of its resolution 53/190 of 15 December 1998 the General Assembly invited the Executive Secretary of the Convention on Biological Diversity[1] to report to it on the ongoing work regarding the Convention.

2. Since the fifty-third session of the General Assembly, the work of the Convention has focused on implementing the decisions of the fourth meeting of the Conference of the Parties to the Convention. Key activities that have been undertaken include: the first extraordinary meeting of the Conference of the Parties to adopt a protocol on biosafety; the fourth meeting of the Subsidiary Body on Scientific, Technical and Technological Advice; and the inter-sessional meeting on the operations of the Convention.

3. Key forthcoming activities include: the Panel of Experts on Access and Benefit Sharing to be held from 4 to 8 October 1999 in San José, Costa Rica; the resumed session of the first extraordinary meeting of the Conference of the Parties to be held in Montreal, Canada, from 24 to 28 January 2000; the fifth meeting of the Subsidiary Body on Scientific, Technical and Technological Advice to be held in Montreal, Canada, from 31 January to 4 February 2000; the meeting of the Ad Hoc Working Group on Article 8 (j) to be held in February/March 2000 in Seville, Spain; and the fifth meeting of the Conference of the Parties to be held in Nairobi, Kenya, from 14 to 26 May 2000.

4. As of 30 September 1999, there are 175 Parties to the Convention.

II. First extraordinary meeting of the Conference of the Parties to the Convention on Biological Diversity and the negotiations for a protocol on biosafety

5. Article 19, paragraph 3, of the Convention requires Parties to consider the need for and modalities of a protocol setting out appropriate procedures, including, in particular, advance informed agreement, in the field of the safe transfer, handling and use of any living modified organisms resulting from biotechnology that may have adverse effect on the conservation and sustainable use of biological diversity.

6. By its decision II/5 (A/51/312, annex II, decision II/5), the Conference of the Parties established the Open-ended Ad Hoc Working Group on Biosafety to negotiate a protocol to address the concerns of Parties on those matters. The Working Group met six times and reported the results of its work to the first extraordinary meeting of the Conference of the Parties on 22 February 1999.

7. The Working Group provisionally adopted the following articles: 16, on competent national authorities and national focal points; 19, on capacity-building; 26, on financial mechanism and resources; 27, on the Conference of the Parties serving as the meeting of the Parties; 28, on subsidiary bodies and mechanisms; 29, on the secretariat; 30, on the relationship with the Convention; 32, on monitoring and reporting; 33, on compliance; 34, on assessment and review; 35, on signature; 36, on entry into force; 38, on withdrawal; and 39, on authentic texts. In addition, the Working Group also adopted provisionally, under article 3, on the use of terms, the definitions of the terms "exporter", "importer", "living modified organism", "living organism", "modern biotechnology", and "regional economic integration organization". It also provisionally adopted annex I on information required in notifications and annex II on risk assessment.

8. The Conference of the Parties used the package as the basis for further discussion and negotiation. The Conference of the Parties was not able to reach consensus on the draft text submitted by the Chair of the Working Group. The issues that remain before the Conference of the Parties are the following articles: 4, on scope; 5, on application of the advanced informed agreement procedure; 6, on notification; 15, on handling, transport, packaging and identification; 21, on non-Parties; 22, on non-discrimination; 23, on illegal transboundary movements; 24, on socio-economic considerations; and 31, on relationship with other international agreements. It was agreed that the essential core issues were the following articles: 4, on scope; 5, on application of the advanced informed agreement procedure; and 31, on relationship with other international agreements.

9. The Conference of the Parties therefore decided to suspend its first extraordinary meeting. The Conference of the Parties agreed that the meeting should be reconvened as soon as possible and in any event no later than the fifth meeting of the Conference of the Parties. Informal consultations among Parties and Governments were held in Montreal in July and in Vienna in September. The President of the extraordinary meeting of the Conference of the Parties and the Bureau of the Conference of the Parties have decided to convene a resumed session of the first extraordinary meeting of the Conference of the Parties from 24 to 28 January 2000. This resumed session will be preceded by further informal consultations which will commence on 20 January 2000.

10. It is hoped that the Conference of the Parties, at the resumed session of its first extraordinary meeting, will adopt a protocol on biosafety to the Convention and take a decision on interim arrangement pending the entry into force of the protocol. The Bureau of the Conference of the Parties presented a draft decision on interim arrangements to Parties. That draft proposed the establishment of an intergovernmental committee for the protocol and called for the development of a programme of work for the committee. In light of the importance and urgency of the responsibilities of this committee, it is proposed that the committee meet between meetings of the Conference of the Parties.

III. Fourth meeting of the Subsidiary Body on Scientific, Technical and Technological Advice

11. The fourth meeting of the Subsidiary Body on Scientific, Technical and Technological Advice adopted the following recommendations.

Recommendation	*Subject matter*
IV/1	Programme of work
IV/2	Further development of a Global Taxonomy Initiative
IV/3	Assessment of the status and trends and options for the conservation and sustainable use of terrestrial biological diversity: dryland, Mediterranean, arid, semi-arid, grassland and savannah ecosystems
IV/4	Development of guiding principles for the prevention of impacts of alien species and identifying priority areas of work on isolated ecosystems and giving further recommendations to the Global Invasive Species Programme

IV/5	Consequences of the new technology for the control of plant genetic expression for the conservation and sustainable use of biological diversity
IV/6	Incorporation of biological diversity concerns into environmental impact assessment
IV/7	Development of approaches and practices for the sustainable use of biological resources, including tourism

12. The report of the meeting is contained in document UNEP/CBD/SBSTTA/4/14.

13. In recommendation IV/1 on the programme of work, the Subsidiary Body on Scientific, Technical and Technological Advice made a number of important suggestions with respect to increasing the role of science in the decision-making process of the Convention. At its fourth meeting, the Conference of the Parties had identified using and generating scientific assessments generally as a critical need for the process as a whole. Accordingly, in recommendation IV/1, the Executive Secretary was requested to prepare for the fifth meeting of the Conference of the Parties a detailed proposal that would seek to address the issues of peer review and scientific assessments for the Convention, drawing on the experience of the United Nations Framework Convention on Climate Change (A/AC.237/18 (Part II)/Add.1 and Corr.1, annex I) and the Montreal Protocol on Substances that Deplete the Ozone Layer. In recommendation IV/1, the Subsidiary Body also recommended to the Conference of the Parties a longer-term programme of work and that a strategic plan be developed to guide the implementation of the programme. Such a plan would also facilitate cooperation and coordination with other relevant processes.

14. In recommendation IV/5, the Subsidiary Body on Scientific, Technical and Technological Advice concluded that more work needed to be undertaken in order to adequately understand the impact that new technologies might have on the conservation and sustainable use of biological diversity. To this end, it recommended that the Convention as well as relevant organizations, such as the Food and Agriculture Organization of the United Nations (FAO), should continue its work on this topic. The Subsidiary Body also advised the Conference of the Parties that, in the current absence of reliable data on genetic use restriction technologies without which there was an inadequate basis on which to assess their potential risks, and in accordance with the precautionary approach, products incorporating such technologies should not be approved by Parties for field testing until appropriate scientific data could justify such testing, not for commercial use until appropriate, authorized strictly controlled scientific assessments with regard to, *inter alia*, their ecological and socio-economic impacts and any adverse effects for biological diversity, food security and human health had been carried out in a transparent manner and the conditions for their safe and beneficial use validated.

15. In decision IV/1, the Conference of the Parties requested the Subsidiary Body on Scientific, Technical and Technological Advice to examine the Global Invasive Species Programme, to identify the priority work pertinent to the issue of alien species in isolated ecosystems and to develop guiding principles to address the issue of alien species, with a view to reporting thereon to the Conference of the Parties at its fifth meeting. The Conference of the Parties also decided that the issue of alien species would be one of the three major topics for the sixth meeting of the Conference of the Parties in 2002 (the full texts of these decisions are available at www.biodiv.org).

16. The Subsidiary Body on Scientific, Technical and Technological Advice at its fourth meeting, having considered decision IV/1 of the Conference of the Parties, adopted

recommendation IV/4 on alien species. In recommendation IV/4, the Subsidiary Body suggested to the Conference of the Parties that: an inventory of initiatives be developed; a roster of experts be established; a memorandum of cooperation between the Executive Secretary, the Global Invasive Species Programme and other relevant organizations be adopted; the Programme be invited to review existing measures and to report to the sixth meeting of the Subsidiary Body, with a view to developing a global strategy to deal with alien species; and the Programme and other organizations be invited to assist Parties in developing and implementing this strategy. Concerning the development of principles for the prevention, introduction and mitigation of the impacts of alien species, the Subsidiary Body requested the Executive Secretary in collaboration with the Programme and other relevant organizations to develop a proposal for the fifth meeting of the Subsidiary Body (February 2000).

17. Recommendation IV/7 contained detailed advice on the role of tourism in the sustainable use of biological resources and the potential impacts on biological diversity of tourism. In this recommendation, the Subsidiary Body on Scientific, Technical and Technological Advice advised the Conference of the Parties to adopt its assessment of the interlinkages between tourism and sustainable development and convey this assessment to the Commission on Sustainable Development, as well as to Parties and Governments. It also recommended that the Conference of the Parties accept the invitation to participate in the work of the Commission. In particular, it recommended that the Conference of the Parties contribute to the development of international guidelines for activities related to sustainable tourism development in vulnerable terrestrial, marine and coastal ecosystems and habitats of major importance for biological diversity and protected areas, including fragile mountain ecosystems. The Conference of the Parties at its next meeting, in May 2000, will consider this recommendation.

IV. Inter-sessional meeting on the operations of the Convention

18. This meeting adopted recommendations on:

1. Review of the operations of the Convention and the programme of work;

2. Panel of Experts on Access and Benefit-sharing;

3. Relationship between intellectual property rights and the relevant provisions of the Agreement on Trade-related Aspects of Intellectual Property Rights and the Convention;

4. *Ex situ* collections that had been acquired prior to the entry into force of the Convention and were not addressed by the FAO Commission on Genetic Resources for Food and Agriculture.

19. Recommendation 1 contained elements of a decision on how meetings of the Conference of the Parties could operate more effectively, a strategic plan for the Convention and improvements in the operation of the Subsidiary Body on Scientific, Technical and Technological Advice. It also proposed a number of options with regard to periodicity of meetings of the Conference of the Parties (annual or biannual) and further mechanisms for inter-sessional activities.

20. Recommendation 2 elaborated the terms of reference for the Panel of Experts on Access and Benefit-sharing. It advised the Panel to consider four issues, namely: (a) access and benefit-sharing for scientific and commercial purposes; (b) review of legislative,

administrative and policy measures at national and regional levels; (c) review of regulatory procedures and incentive measures; and (d) capacity-building.

21. In recommendation 3, on intellectual property rights, the Meeting advised the Conference of the Parties to continue gathering relevant information, to closely monitor developments in other forums, in particular the World Trade Organization and the World Intellectual Property Organization (WIPO), through the secretariat, and to reaffirm the importance of *sui generis* systems to the aims of the Convention.

22. The secretariat has prepared several submissions to the Committee on Trade and Environment of the World Trade Organization. The first described the relevant decisions of the fourth meeting of the Conference of the Parties (see WT/CTE/W/92). The second responds to a series of questions provided by the Chair of the Committee on Trade and Environment and was distributed at the July meeting of the Committee (see WT/CTE/W/143). The secretariat has also applied for observer status in the Council for Trade-Related Aspects of Intellectual Property Rights and the Committee on Agriculture. In response to a request from the Council for Trade-Related Aspects of Intellectual Property Rights, the secretariat provided factual information on activities of the Convention of relevance to the World Trade Organization for preliminary consideration in the review of article 27.3 (b) of the Convention this year. The Executive Secretary also participated in the World Trade Organization High-level Symposium on Trade and Environment, on 15 and 16 March 1999.

23. In recommendation 4, on *ex situ* collections, the inter-sessional meeting advised the Conference of the Parties to request the Executive Secretary to continue gathering information on *ex situ* collections. To this end, it provided guidance on the structure of a questionnaire regarding the number, types and status of relevant collections. Moreover, it recommended that the Conference of the Parties request relevant organizations and forums to provide the relevant information.

V. Fifth meeting of the Subsidiary Body on Scientific, Technical and Technological Advice

24. The provisional agenda for the fifth meeting of the Subsidiary Body on Scientific, Technical and Technological Advice has three main clusters of topics: thematic issues; cross-cutting issues; and mechanisms for implementation. Within these three categories, the Subsidiary Body will consider the following substantive items:

1. Programme of work for dryland, Mediterranean, arid, semi-arid, grassland and savannah biological diversity;

2. Agricultural biological diversity: assessment of ongoing activities and priorities for a programme of work;

3. Ecosystem approach: further conceptual elaboration;

4. Development of indicators of biological diversity;

5. Sustainable use of the components of biological diversity: identification of sectoral activities that could adopt biodiversity-friendly practices and technologies;

6. Ad hoc technical expert groups: terms of reference, and rosters of experts and a proposal on a uniform methodology for their use.

25. The meeting will also be considering the establishment of guidelines for the second national reports. As of 28 September 1999, the secretariat had received 111 first national reports. The financial mechanism has provided support for 120 developing country Parties and Parties with economies in transition for the development of their national biodiversity strategy and action plan.

26. The information contained in the national reports will provide the basis for the first Global Biodiversity Outlook. This publication will focus on the status and trends of global biodiversity and on the progress that is being made in its management. It will also consider the synergies between the Convention and other instruments and the outlook for the Convention and biodiversity. There will also be a section on the priority issues that Parties have identified in their reports.

27. A key issue, which emerges from the first national reports and those strategies and action plans that the secretariat has examined, is the importance of the protected area system for implementing the provisions of the Convention in each Party. Protected areas will be a focus of the seventh meeting of the Conference of the Parties (expected to be held in 2004). By way of preparation for this focus, the secretariat has begun to develop links with relevant organizations. In particular, the secretariat has begun working with the steering committee for the 2002 World Congress on Parks and Protected Areas.

VI. Fifth meeting of the Conference of the Parties to the Convention

28. The provisional agenda of the fifth meeting of the Conference of the Parties has three main topics. They are:

1. Consideration of options for conservation and sustainable use of biological diversity in dryland, Mediterranean, arid, semi-arid, grassland and savannah ecosystems;

2. Sustainable use, including tourism;

3. Access to genetic resources.

29. The Conference of the Parties will undertake a strategic review of these three issues. Parties have indicated that the Conference of the Parties in undertaking such a review should endeavour to achieve three goals: review of accomplishments to date; adoption of decisions regarding the products of work completed to date; and establishment of a vision for future work. For the immediate future, the focus of the efforts for these issues will most likely be the review of accomplishments and the establishment of a vision, which should be initially focused on the establishment of measurable goals and targets and the development of global and national-level indicators.

30. The Conference of the Parties will also review progress with respect to implementation of its previous decisions. It will do this under the rubric of four categories of decisions within which most of the activities of the Convention can be organized. They are: thematically focused programmes, cross-cutting issues, mechanisms for implementation and the negotiations on biosafety.

31. The Conference of the Parties will also consider adopting a work plan on financial resources which will address the following issues: monitoring financial support for the implementation of the Convention; collaboration with international organizations; possibilities for additional financial support; and opportunities and constraints with respect to private sector support for implementation of the Convention. In this respect, the secretariat

has undertaken a number of activities to prepare for this issue. The secretariat has included in the suggestions for the guidelines on the second national reports the development of a standardized information format on financial resources. The secretariat also invited developed country Parties and funding institutions to submit their views on standardized information in the course of June and July 1999, and has been in contact with the United Nations Framework Convention on Climate Change with regard to their approaches to reporting requirements.

32. Efforts have been made to establish a database on financial resources in support of the implementation of the Convention. The secretariat conducted an analysis of information provided in the first reports from Parties. In order to support the development of this database, the secretariat has been working with the Development Assistance Committee (DAC) of the Organisation for Economic Cooperation and Development (OECD). A biodiversity marker system was developed for its reporting system in June 1999, and a pilot reporting process has been initiated. The secretariat has prepared a brief for the Secretariat in order to contribute to preparations for a high-level consultation on financing for development in 2001. The secretariat is currently monitoring the activities of the Ad Hoc Open-ended Working Group of the General Assembly on Financing for Development, and relevant activities of the Commission on Sustainable Development on financial issues in Agenda 21.[2]

33. The Conference of the Parties will also review the pilot phase of the clearing-house mechanism and consider its longer-term programme of work. It will do this on the basis of a recommendation to emanate from the fifth meeting of the Subsidiary Body on Scientific, Technical and Technological Advice (February 2000). A central feature of the future development of the clearing-house mechanism will be efforts to promote the development of biodiversity information networks at the national, regional and international levels.

VII. Cooperation with other processes

34. The importance of cooperation with other processes has been consistently emphasized by the Conference of the Parties to the Convention on Biological Diversity. The issue is a standing item in the agenda of its meetings and the Conference of the Parties at each of its meetings has taken a decision reviewing relevant activities and identifying areas for further work. At its fourth meeting, the Conference of the Parties adopted decision IV/15 on the relationship of the Convention on Biological Diversity with the Commission on Sustainable Development and biodiversity-related conventions, other international agreements, institutions and processes of relevance. Some highlights of the concerned activities not addressed in previous sections are described below.

35. By this decision, the Conference of the Parties to the Convention on Biological Diversity endorsed a Joint Work Plan with the (Ramsar) Convention on Wetlands of International Importance, especially as Waterfowl Habitat, which provides a framework for a series of activities intended to promote implementation of both conventions. The fourth meeting of the Subsidiary Body on Scientific, Technical and Technological Advice reviewed progress in the implementation of this Work Plan. The Subsidiary Body welcomed the results of the seventh meeting of the Conference of the Parties to the Ramsar Convention on Wetlands and accepted the invitation to designate the Chair of the Subsidiary Body as a permanent observer on the Scientific and Technical Review Panel of the Ramsar Convention on Wetlands. The Subsidiary Body also welcomed the forthcoming reviews of the Joint Work Plan by the Scientific and Technical Review Panel and the Standing Committee of

the Ramsar Convention on Wetlands and agreed to consider their proposals at its fifth meeting in January 2000.

36. At its next meeting, the Conference of the Parties to the Convention on Biological Diversity will consider adopting its fifth thematically focused programme of work on the biological diversity of dryland ecosystems. At its fourth meeting, the Subsidiary Body on Scientific, Technical and Technological Advice assessed the status and trends of the biodiversity of dryland, Mediterranean, arid, semi-arid, grassland and savannah ecosystems and considered options for their conservation and sustainable use. As a result, it advised the Conference of the Parties to adopt a programme of work for the biological diversity of this biome. The Subsidiary Body requested the Executive Secretary, in consultation with the secretariat of the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa (A/49/84/Add.2, annex, appendix II), to prepare for the fifth meeting of the Subsidiary Body a draft programme of work for the biome.

37. The secretariat has developed a Global Biodiversity Calendar of Events, which contains details of relevant meetings organized by other processes. The important purpose of the Calendar is not only to promote coordination and cooperation between the Convention and other processes but also to facilitate the contribution of other processes to the work of the Convention.

38. The secretariat supported and participated in a project on harmonizing the reporting requirements of biodiversity-related conventions (the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)), the Convention on the Conservation of Migratory Species of Wild Animals, the Ramsar Convention and the Convention for the Protection of the World Cultural and Natural Heritage (World Heritage Convention). The World Conservation Monitoring Centre completed an initial feasibility study, the results of which were considered at a meeting in October 1998 for the secretariat Information Managers. Follow-up to the results of this initiative is expected to form the framework of the secretariat's activities in this area for the foreseeable future. The first steps in these joint efforts have included, *inter alia*, the establishment by the secretariat of an electronic listserv and a joint Internet Web page.

39. The secretariat has also continued its collaboration with the Inter-Agency Committee on Sustainable Development in order to assist with preparations for meetings of the Commission on Sustainable Development and other related matters covered by this Committee. For example, the secretariat provided inputs to the report of the Secretary-General on tourism and sustainable development and on oceans and seas through the Administrative Committee on Coordination (ACC) Subcommittee on Oceans and Coastal Areas.

40. The secretariat has also continued working with: the Intergovernmental Forum on Forests and its Inter-Agency Task Force on Forests (ITFF); OECD, in particular the Environmental Directorate and DAC; and the United Nations Environment Programme (UNEP) in its coordination of the meetings of convention secretariats.

41. The secretariat participated in meetings of the Conference of the Parties to the Ramsar Convention, and to the United Nations desertification and climate change conventions. As a result, the Conference of the Parties to the United Nations Framework Convention on Climate Change decided to consider issues related to forests, marine and coastal biodiversity and the clearing-house mechanism at appropriate meetings of its subsidiary bodies.

42. The secretariat has maintained regular contact with the United Nations Educational, Scientific and Cultural Organization (UNESCO) and its Intergovernmental Oceanographic

Commission (IOC), and the Division for Ocean Affairs and the Law of the Sea of the United Nations Secretariat as well as the UNEP Regional Seas Units, with a view to promoting the implementation of the Jakarta Mandate on the Conservation and Sustainable Use of Marine and Coastal Biological Diversity (A/51/312, annex II, decision II/10).

Notes

See United Nations Environment Programme, *Convention on Biological Diversity* (Environmental Law and Institution Programme Activity Centre), June 1992.

Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992, vol. I, *Resolutions Adopted by the Conference* (United Nations publication, Sales No. E.93.I.8 and corrigendum); resolution I, annex II.